

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**IN RE:
ANDREW GARRETT SIMMONS**

**CHAPTER 13
CASE NO.: 23-50588-KMS**

TRUSTEE'S NOTICE & MOTION TO DISMISS CASE FOR NON-PAYMENT

PLEASE TAKE NOTICE that a written Response to the Trustee's Notice and Motion to Dismiss Case for Non-Payment must be filed with the U.S. Bankruptcy Court Clerk's Office, Dan M. Russell, Jr., U.S. Courthouse, 2012 15th Street, Suite 244, Gulfport, MS 39501, within twenty-one (21) days of the date of this Notice. Failure to timely file a Response will result in case dismissal. A Response will result in the Motion being set for hearing on: **Thursday, July 10th, 2025, at 10:00 a.m.**, at the foregoing Court location, 7th Floor, Bankruptcy Courtroom.

1. The Chapter 13 Trustee moves to dismiss the instant case for non-payment. Debtor(s) current plan payment **default through May 2025 totals \$1,561.81**.

WHEREFORE PREMISES CONSIDERED the Trustee requests dismissal of the instant case for failure to make plan payments as required by 11 U.S.C. § 1307.

CERTIFICATE OF SERVICE

I, **WARREN A. CUNTZ, JR.**, Chapter 13 Trustee, certify that I have served electronically, a true and correct copy of the above Notice and Motion to Dismiss Case for Non-Payment to:

**David W. Ashbach, Esq., United States Trustee
Thomas Carl Rollins, Jr., Esq., for Debtor**

**USTPRegion05.JA.ECF@usdoj.gov
trollins@therollinsfirm.com**

DATED this the 9th day of June 2025.

/s/ Warren A. Cuntz, Jr.
Chapter 13 Trustee
P O Box 3749
Gulfport, MS 39505-3749
Tel: (228) 831-9531
Fax: (228) 831-9902
Email: wcuntzcourt@gport13.com